

NINA S. GRIFFIN,	)	
	)	
Plaintiff,	)	Case No.: 2:11-cv-00953-GMN-LRL
vs.	)	
	)	<b>ORDER</b>
COUNTRYWIDE HOME LOAN	)	
SERVICING, et al.,	)	
	)	
Defendants.	)	
	)	

## I. BACKGROUND

Plaintiff now seeks to remand the case, arguing that federal question jurisdiction does not exist but ignoring Defendants' contention with regard to diversity jurisdiction.

## II. DISCUSSION

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1 or where no plaintiff is a citizen of the same state as a defendant and the amount in controversy  
2 exceeds \$75,000.00, *see* 28 U.S.C. § 1332(a).

3 Removal statutes are strictly construed against removal jurisdiction. *Gaus v. Miles, Inc.*,  
4 980 F.2d 564, 566 (9th Cir. 1992). “Federal jurisdiction must be rejected if there is any doubt as  
5 to the right of removal in the first instance.” *Id.* The defendant has the burden of establishing that  
6 removal is proper. *Id.*

7 Plaintiff’s Motion only attacks Defendants’ assertion that removal was proper because this  
8 Court has federal question jurisdiction over Plaintiff’s lawsuit. Plaintiff does not address the  
9 alternate ground that Defendants set forth for this Court to have subject matter jurisdiction:  
10 namely, that the Court has diversity jurisdiction.

11 Here, Defendants have demonstrated that Plaintiff is a Nevada citizen and that Defendants  
12 are all citizens of states other than Nevada. (*See* Am. Pet. For Removal ¶¶ 6-15, ECF No. 6.)  
13 Plaintiff’s Motion to Remand does not contest this complete diversity. Defendants have also  
14 shown that, because the trustee’s sale that Plaintiff wishes to set aside generated revenues of  
15 \$258,432.59, the amount in controversy exceeds \$75,000.00. (*See* Am. Pet. For Removal ¶ 16,  
16 ECF No. 6.) Plaintiff’s Motion to Remand does not contest this showing, either. Thus,  
17 Defendants have shown--without objection from Plaintiff--that the prerequisites for diversity  
18 jurisdiction exist in this case. The Court accepts this showing and finds that Defendants have  
19 met their burden of establishing diversity jurisdiction. Because diversity jurisdiction is an  
20 independent ground upon which a federal court may base its subject matter jurisdiction, the Court  
21 need not address Plaintiff’s argument that she did not raise a federal question in her Complaint.


22 In her Motion to Remand, Plaintiff also makes vague allegations about how “Defendant’s  
23 failure to join in or consent to removal jurisdiction renders the Notice of Removal procedurally  
24 defective.” (Mot. 7, ECF No. 7:20-21.) It is not clear which Defendant Plaintiff is referring to in  
25 this statement, but one thing is clear: the only Defendant that had been properly served at the

1 time this case was removed--Mortgage Electronic Registration Systems, Inc., (*see* Pet. For  
2 Removal 2 ¶ 3, ECF No. 1)--was among the parties that initially removed this action, and it did  
3 so through its own counsel. Because only properly joined and served Defendants need to join in  
4 the petition for removal, *see Emrich v. Touche Ross & Co.*, 846 F.2d 1190, 1193 n.1 (9th Cir.  
5 1988), and because the only party that appears to have been properly served here *did* join in the  
6 petition, removal was procedurally proper. Accordingly, Plaintiff's Motion will be denied.

7 **CONCLUSION**

8 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Remand (ECF No. 12) is  
9 **DENIED.**

10 **DATED** this 5th day of July, 2011.

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15 Gloria M. Navarro  
16 United States District Judge  
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